

(114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

~~TRANSFERRED~~ / ORIGINAL APPLICATION NO.510 of 1987.

DATE OF ORDER: 14-3-1990

BETWEEN:

M.V.Raghavaiah
& 15 others

APPLICANT(S)

A N D

Secretary to Govt.,
Department of Space, ISRO
& 2 others

RESPONDENT(S)

FOR APPLICANT(S): Shri M.Surendar Rao, Advocate

FOR RESPONDENT(S): Shri N.Bhaskar Rao, Addl. CGSC

CORAM:

HONOURABLE SHRI J.NARASIMHA MURTHY : MEMBER (JUDL)

HONOURABLE SHRI R.BALASUBRAMANIAN : MEMBER (ADMN)

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it ^{es} needs to be circulated to other Bench of the Tribunal?
5. Remarks of Vice-Chairman on columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

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(115)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.510 of 1987.

Date of Judgment 14-3-1990

M.V.Raghavaiah
& 15 others

.. Applicants

Versus

Secretary,
Department of Space, ISRO
& 2 others

.. Respondents

COUNSEL FOR THE APPLICANTS : Shri M.Surendar Rao,
Advocate

COUNSEL FOR THE RESPONDENTS : Shri N.Bhaskar Rao,
Addl. CGSC

CORAM:

HONOURABLE SHRI J.NARASIMHA MURTHY : MEMBER (JUDL)

HONOURABLE SHRI R.BALASUBRAMANIAN : MEMBER (ADMN)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member (Admn)]

This original application under section 19 of the
Administrative Tribunals Act has been filed by Shri
M.V.Raghavaiah and 15 others against the Secretary,
Department of Space, ISRO and 2 others.

2. The applicants were at the relevant time working
in the category of Tradesmen/Draughtsmen. In the ladder
of promotion they have different grades such as
Tradesman-A, B to G and for Draughtsman-A, C.II to E.
It is their point that in the department there had been
no statutory rules on service conditions and only
executive instructions issued from time to time were
governing the service conditions. Prior to 1.1.76

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persons in the category as the applicants and even ~~II class~~ possessing ~~diploma~~ could aspire to become Technical Assistants or Engineer-SB after appearing at a selection conducted by a review committee. Later, by an order issued in December, 1975 the respondents had stipulated a condition that such a facility would only be available to those possessing a diploma with first class. The applicants feel aggrieved that a certain promotional avenue which was open to them had been taken away by an arbitrary insistence on first class in diploma. They pray that the petitioners be directed to treat them on par with diploma holders having first class.

3. This prayer has been opposed by the respondents.

The respondents have given a detailed picture of entry at various grades and various promotional avenues open to staff placed similar to the applicants. By the orders dated 15.1.87 clarified further by an order dated 17.2.87 the respondents had introduced 3 more stages of promotion for the applicants in the same category. They have pointed out that the issue raised by the applicants was considered in the departmental council meeting and since they were keen to maintain the quality of work in the highly scientific body it was decided to stick on to the orders issued.

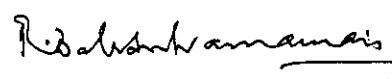
4. The issue before us is not one of greater promotional avenues in the same grade as held out by the respondents. What the applicants ~~pray for~~ ^{point out} is that originally the category change was given to all diploma holders irrespective of the class obtained in the diploma. This facility had been taken away thereby reducing the opportunity for them to change the category by special reviews. We have to examine whether by this stipulation the chances of the applicants to change category had been snatched away for all times to come. In the course of the hearing the applicant ~~was~~ ^{agreed} pleading that ~~while~~ the opportunities have not altogether been lost because after reaching a certain stage in the same category the applicants could, even with a second class diploma, still change category after getting through written tests, interview etc. We find from the counter filed by the respondents that this question which is before us had already been covered in the judgment of the Ernakulam Bench dated 28.6.89 in T.A.No.202/87 and three other cases. There, it had been held that even if it is assumed for the sake of argument that the petitioners were earlier eligible for such promotion it is the right of the employer respondent to introduce changed eligibility criterion in the interest of public services so long as the vested interests are not affected. The respondent has also

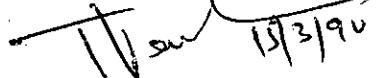
quoted another judgment of the Kerala High Court upholding the right of the respondent to change the norms. In a similar case the Bangalore Bench in their judgment in Application No.1026/86(F) has dismissed the petition of an official placed similar to the applicants.

5. We are in respectful agreement with the decisions of the Ernakulam and Bangalore Benches and hold that the application is liable to fail.

6. In the result the application fails with no order as to costs.


(J. NARASIMHA MURTHY)
Member (Judl)


(R. BALASUBRAMANIAN)
Member (Admn)


DEPUTY REGISTRAR(A)

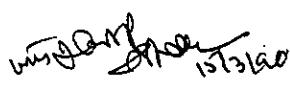
Dated 14-3-1990

TO:

1. The Secretary to Government, (Union of India), Department of Space, ISRO, F-Block, Cavery Bhavan, Dist. office road, Bangalore-9.
2. The Member Secretary, (official) Department of Space, ISRO, F-Block, Cavery Bhavan, Bangalore-560 009.
3. The Director, Shar Centre, Sriharikota, Shar Centre, Sriharikota, Nellore Dist. A-P. 524 124.
4. One copy to Mr. M. Surender Rao, Advocate, Plot No 5-C, Bagh Amberpet, Durgabhai deshmukh colony, Hyderabad-A.P.
5. One copy to Mr. N. Bhaskara Rao, Addl. CGS, CAT, Hyderabad.
6. One copy to the Hon'ble Sri R. Balasubramanian, Member: (Admn.) CAT., Hyderabad.
7. One spare copy.

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